

MINUTES

BOARD OF EXAMINATION AND REGISTRATION OF ARCHITECTS

DATE: April 8, 2009

PLACE: Department of Business Regulation (DBR)
1511 Pontiac Avenue, Bldg 69-2 Conference Room
Cranston, RI 02920

MEMBERS PRESENT: Dana A. Newbrook, Wilbur E. Yoder, James R. Carlson, Joseph A. Cirillo, and Barbara Feibelman

MEMBERS ABSENT: None

OTHERS PRESENT: Richard W. Bertein, DBR Executive Counsel
Brian J. Riggs, DBR Department Budget Administrator
Dawne Broadfield, Board Executive

CALLED TO ORDER: Chair Newbrook called the meeting to order at 1:04 p.m. to commence Board business.

Ms. Feibelman left at 3:13 p.m.

MINUTES OF THE MEETING OF THE BOARD

(1) Mr. Cirillo moved to approve the open meeting minutes of March 11, 2009 as published. Vice-Chair Yoder seconded. Motion approved.

(2) Mr. Cirillo moved to approve and seal the executive session meeting minutes of the March 11, 2009 as published. Vice-Chair Yoder seconded. Motion approved.

EXECUTIVE SESSION

(1) Secretary Carlson moved to convene into executive session at 1:04 p.m. pursuant to RI General Laws, §42-46-5 (a)(2) for sessions or work sessions pertaining to collective bargaining or litigation and §42-46-5 (a)(4) for investigative proceedings regarding allegations of civil or criminal misconduct. Ms. Feibelman seconded. Motion approved.

(2) Secretary Carlson moved to adjourn from executive session and to reconvene to an open meeting at 1:34 p.m. pursuant to R.I.G.L. §42-46-4. Vice-Chair Yoder seconded. Motion approved.

(3) Secretary Carlson moved to seal the executive session and record the votes taken in executive session pursuant to RI General Laws §42-46-4 and §42-46-5. Vice-Chair Yoder seconded. Motion approved to accept the quarterly project list report of David W. Fish, Jr. Motion approved.

(4) Secretary Carlson moved pursuant to RI General Law §42-46-4 that the Board defer disclosure of all votes in executive session until such

time as such disclosure would not jeopardize any strategy, negotiation, or investigation undertaken concerning RI General Law §42-46-5(a). Vice-Chair Yoder seconded. Motion approved.

04/08/09, Page 1 of 8

OLD BUSINESS

(1) Discussion on Proposed Amendments to the “Rules and Regulations”

(a) Pre-Set Fine Amounts for Violations

The Disciplinary Guidelines have been accepted and will be incorporated into the Rules and Regulations and the Rules and Regulations will now be scheduled for public hearing for adoption at the next Board meeting on May 11, 2009.

Secretary Carlson moved that the Board go to public hearing with the proposed Rules and Regulations as soon as administratively feasible. Mr. Cirillo seconded. Motion approved.

(B) Certificate of Authorization (COA) Requirement (Liability Insurance)

Donald Goodrich, Goodrich Blessing, will appear at 2:00 p.m. to discuss the availability and affordability of professional liability insurance.

Present was: Mr. Donald Goodrich at 2:32 p.m.

Chair Newbrook told Mr. Goodrich that the Board was interested in the availability and affordability of professional liability insurance and whether or not to make it mandatory for registered architects.

Mr. Goodrich spoke about the different aspects and requirements of insurance or bonding. He indicated that a minimum premium would be approximately \$3,500 to \$5,000 and that if one person has a loss, then all policy holders pay. Mr. Goodrich also indicated that it is difficult because there is only a small pool of people and that insurance cannot be obtained on a project-by-project basis.

The Board told Mr. Goodrich that they are looking at this requirement from the public side and not the architect side in order to protect the health, safety and welfare (HSW) of the public.

The Board has been in contact with the Massachusetts Board regarding their professional liability insurance requirement being limited to Limited Liability Companies (LLC's) and Limited Liability Partnerships (LLP's). The Board is inquiring with the Massachusetts Board Attorney regarding the restriction and has not received a response. Mrs. Broadfield will follow-up. Secretary Carlson will contact the American Institute of Architects (AIA) to inquire if they have a list of states that require professional liability insurance and will report his findings at the next meeting.

Mr. Goodrich left at 3:13 p.m.

(2) Record Retention Schedule

Mrs. Broadfield updated the Board and indicated that the Division of Design Professionals has not met with Shirley DosSantos, Project Coordinator, and therefore there is no update at this time.

(3) Meeting with the Board(s), State Building Code Commissioner, and the Building Officials – (Held Annually in September)

Mr. Cirillo attended the monthly Building Officials' meeting on March 25, 2009. As a result of the meeting, the Building Officials gave Mr. Cirillo a copy of an Informational Bulletin that they received from the Board of Examiners of Landscape Architects implying that even "residential" projects must have a registered Landscape Architect before a permit will be issued. The Building Officials were unclear on that requirement. Mr. Cirillo told the Building Officials that he could not respond since he was not familiar with their law.

Secretary Carlson suggested that this Board notifies John Carter, Chair of the Board of Examiners of Landscape Architects that the Building Officials thought the Informational Bulletin was unclear. Attorney Bernstein indicated that he will send an email to Mr. Carter stating that a member of this Board attended the monthly Building

Officials meeting, the Information Bulletin was discussed and the “residential” requirement is unclear to the Building Officials.

04/08/09, Page 2 of 8

Ms. Feibelman moved to remove this item from the agenda and put it on the September 2009 agenda to plan for Spring 2010 Building Officials meeting. Secretary Carlson seconded. Motion approved.

(4) 2009 Legislative Session

Attorney Bernstein updated the Board on the two (2) bills introduced by the DBR Director’s Office.

The first bill would enable DBR to require email addresses from all licensees with a waiver for hardships, so that DBR can go to a paperless environment. Attorney Bernstein told the Board that it is work in progress and that he testified before House Corporations.

The second bill, #S-0532 Sub A, would establish consistency in the Administrative Processes and Procedures within DBR for all of its Boards and Commissions. Attorney Bernstein told the Board that he testified before the Senate and that he was the only one who testified.

Now he believes the bill will go over to the House, #H-5779 Sub A.

(5) Certificate of Authorization (COA) Lapsed Letter sent out to those firms that did not renew by the December 31st deadline.

(A) At the last meeting, the Board made comments for corrections. The final corrections are as follows:

(a) First paragraph changes were made as follows: “A review of the records of the Rhode Island Board of Examination and Registration of Architects (the “Board”) indicates that your firm’s renewal for a certificate of authorization (COA) has NOT been granted renewed by this Board. The reason for the failure to issue this renewal it is not renewed is that since you have not failed to completed the renewal process as directed by this Board.

(b) Second paragraph changes were made as follows: “Due to the expense of multiple mailings, tThis will be the last only written communication notice you will receive on this subject matter from this Board.” “The expense of continuously sending out documents can no longer be borne by the Board.”

(c) Third paragraph changes were made as follows: The font changed to the same font size as the rest of the letter and will remain bold.

(d) Fourth paragraph changes were made as follows: Because this your firm does not currently ...

(B) Attorney Bernstein asked whether or not this letter was being sent

via “regular mail” or “certified mail, return receipt requested,” because the architect registration is a public property right and if the Board removes that public property right then that person should have an opportunity for hearing.

Mrs. Broadfield told the Board that the letters were previously sent by “certified mail, return receipt requested” and that the Board could no longer bear the cost of sending approximately 150 to 200 letters by “certified mail, return receipt requested,” and based on the notification received from the Department of Administration (DOA) that the Board could no longer request a return receipt due to cost and the lapsed letters are now sent by regular mail.

Attorney Bernstein suggested a “certificate of mailing” done by the US Post Office. This can not be done since all the mail has to be sent to the State Central Mail Room for processing and mailing.

Secretary Carlson suggested that in the electronic age that a person can click a box that gives that person a “return receipt” back that the recipient has opened the email.

Secretary Carlson stated that if there is not a problem, then do not fix it, and therefore, the Board approved to continue mailing all lapsed letters by regular mail.

04/08/09, Page 3 of 8

BLUE BOOKS (RECIPROCITY)

(A) Secretary Carlson moved to approve the following Blue Books as submitted with an expiration date of December 31, 2009. Vice-Chair Yoder seconded. Motion approved.

- (1) ACCORDO, Gaspare (6) LOVERUD, Andrew R.**
- (2) CALABRO, Nicolai A. (7) LUCAS, George W.**
- (3) DEBOLT, Margaret W. (8) MUNRO, Christopher**
- (4) FRASCA, Robert J. (9) PITKIN, Alex C.**
- (5) KARCHER, Richard L. (10) TAYLOR, Bruce A.**

(B) Ms. Feibelman moved to hold action on the application for Brent T. Heinzer until he provides proof from the Massachusetts Board that he has satisfactorily completed his one-year probationary period as amended by Secretary Carlson. Secretary Carlson seconded. Motion approved.

CERTIFICATES OF AUTHORIZATION (COA) APPLICATIONS (See Attached List)

(A) Vice-Chair Yoder moved to approve the applications for the Certificates of Authorization for the Sole Proprietorships for John

Field, Rob Gray Architect, and Michael T. Janssen as submitted. Secretary Carlson seconded. Motion approved.

(B) Vice-Chair Yoder moved to accept the termination from Carmelo M. Garufo of his Certificate of Authorization for his Sole Proprietorship for CMG Architects, A-10,103, as submitted. Secretary Carlson seconded. Motion approved.

(C) Ms. Feibelman moved to send a letter to Jason Christopher Iacobucci approving the renewal of his Certificate of Authorization, #A10,712, for J. Christopher Architect and also notifying him that having taking a closer look at the application, the Board's normal practice is to require commonality in the name of the registered architect and the name of the Certificate of Authorization and that this is not the case. The Board will let the name go this time but is requesting that he explain to his clients that his Certificate of Authorization name is similar to a "doing business as" and should this become a problem the Board has the right to go back and ask him to change the Certificate of Authorization name. Secretary Carlson seconded with Attorney Bernstein's comments. Motion approved.

(D) Vice-Chair Yoder moved to approve, after the review of practiced or solicited prior to have been registered noted, the renewal application for Certificate of Authorization for the Sole Proprietorship for Monika P. Kraemer as submitted. Secretary Carlson seconded.

Motion approved.

(E) Vice-Chair Yoder moved to approve, after the review of the disciplinary action noted, the renewal application for Certificate of Authorization for the Sole Proprietorship #A-10,334 for Frank D. Mileto as submitted. Secretary Carlson seconded. Motion approved.

(F) Vice-Chair Yoder moved to approve the Name Change and Renewal for the application for Certificate of Authorization for the Sole Proprietorship for Studio uA3 as submitted. The former name was John Kucera. Secretary Carlson seconded. Motion approved.

(G) Vice-Chair Yoder moved to approve the renewal application with the waiver the late fee due to the renewal application being sent to a wrong address after the Board was notified of the address change for the application for Certificate of Authorization for the Sole Proprietorship for Walsh Architect, #A-10,045, as submitted. The Board does not have the file to verify whether or not it was received, since all records are stored off site at Capitol Records. Secretary Carlson seconded. Motion approved.

(H) Vice-Chair Yoder moved to approve the application for the Certificate of Authorization for the Limited Liability Company (LLC) for Kinlin Rutherford Architects, PLLC as submitted. Secretary Carlson seconded. Motion approved.

(I) Vice-Chair Yoder moved to approve the applications for the Certificates of Authorization for the Corporations for Barton Partners Architects & Planners, DiLullo, Inc., HDR Architecture, Inc., and James G. Rogers Architects, PC as submitted. Secretary Carlson seconded. Motion approved.

04/08/09, Page 4 of 8

(J) Vice-Chair Yoder moved to approve the renewal application for the Certificate of Authorization for the Corporation for Access Development Corporation, #A-14,136, as amended and submitted. Christina Delvecchio resigned as an Officer and the Corporation now meets the qualifications of RIGL §5-1-15.1(a) Secretary Carlson seconded. Motion approved.

(K) Vice-Chair Yoder moved to approve the Name Change for the application for Certificate of Authorization for the Corporation for Erdman Architecture & Engineering Company, #A-14,293 as submitted. The former name was MEA1, Inc. Secretary Carlson seconded. Motion approved.

(L) Vice-Chair Yoder moved to approve the Name Change and Renewal for the application for Certificate of Authorization for the Corporation for Margulies Perruzzi Architects, #A-14,100, as submitted. The former name was Margulies & Associates, Inc. Secretary Carlson seconded. Motion approved.

(M) Vice-Chair Yoder moved to approve the Name Change and

Renewal for the application for Certificate of Authorization for the Corporation for Neville Architecture and Environmental Consulting, Ltd., #A-14,417, as submitted. The former name was Neville Architecture. Secretary Carlson seconded. Motion approved.

(N) Vice-Chair Yoder moved to request that McKinnell McKinnell & Taylor appear at the next meeting on May 11, 2009 in order for the Board to explain the errors of McKinnell McKinnell & Taylor's previous practice and to discuss a "Voluntary Consent Agreement." Secretary Carlson seconded. Motion approved.

(o) Secretary Carlson moved to approve the withdrawal the application for the Certificate of Authorization for the Corporation for Belanger & Foley, Inc. as submitted. Vice-Chair Yoder seconded. Ms. Feibelman recused. Motion approved.

NEW BUSINESS

(1) "Individual" Lapsed Letter Language

The Board reviewed the letter and made some changes. The second paragraph will be now be the fourth paragraph and will remain the same font and bold. The last paragraph will be bolded. A paragraph will be added to mirror the language of the "Certificate of Authorization" lapsed letter regarding that "due to the expense of

multiple mailings, this will be the only notice, you will receive ...”

(2) On-line Renewals for “Individuals”

Secretary Carlson moved to revive the on-line renewal project, to notify ri.gov of the time-line and that the Board must see the on-line renewal before it goes live. Mr. Cirillo seconded. Motion approved.

(3) Use of “Certified Mail”

This item was discussed in Old Business, #5(B). See that item.

(4) Informational Bulletin Received – Reminder of Registration Laws for Landscape Architects in RI.

This item was discussed in Old Business, #3. See that item.

(5) Continuity of Operations Plan (COOP)

The Board has a “Disaster Book” stored in the office of the Secretary of the Board. The Secretary of the Board, James R. Carlson, will be replaced by a new member due to term limits. Secretary Carlson then handed the “Disaster Book” over to Vice-Chair Yoder to be stored by him. The Board has their own COOP. The Department of Business Regulation (DBR) will become part of the Department of Labor and Training (DLT) COOP, but has not yet done so.

ADJOURNMENT

Chair Newbrook announced that the next meeting of the Board is scheduled for May 11, 2009 at 1:00 p.m. at 1511 Pontiac Avenue, Conference Room 69-2, Cranston, RI 02920. Secretary Carlson moved to adjourn the meeting at 3:42 p.m. Vice-Chair Yoder seconded. Motion approved.

Respectfully submitted,

James R. Carlson, NCARB, AIA

Secretary

JRC/dmb

04/08/09, Page 6 of 8

C. O. A. APPLICATIONS

Board Meeting of APRIL 8, 2009

SOLE PROPRIETORSHIPS

CMG ARCHITECTS ACCEPT REQUEST – 04/08/09

A-10,103 – Rec'd Lapsed Letter - Not Renewing –

**Requesting Confirmation that the Bd is terminating
this COA without prejudice.**

**DENIED – 03/11/09 – DUE TO THE FIRM NAME NOT
J CHRISTOPHER ARCHITECT \$25. MATCHING THE ARCHITECT'S
NAME ACCORDING TO**

**A-10,712 – Representation prior to be Registered. THE RULES AND
REGULATIONS, SECTION 5.5**

**APPROVED – 04/08/09 – APPROVED RENEWAL –
INSTRUCTED TO NOTIFY CLIENT OF THE COA NAME
IS SIMILAR TO A “DOING BUSINESS AS” AND IF THERE
IS A PROBLEM, THE BOARD HAS THE RIGHT TO GO
BACK AND ASK FOR A CHANGE.**

JOHN FIELD - 0 - APPROVED – 04/08/09

ROB GRAY ARCHITECT - 0 - APPROVED – 04/08/09

MICHAEL T. JANSSEN \$100. APPROVED – 04/08/09

MONIKA P. KRAEMER -0- APPROVED – 04/08/09

**Answered “Yes” to Question of practiced or solicited
prior to having been registered.**

FRANK D. MILETO \$125. APPROVED – 04/08/09

A-10,334 – Requesting Renewal – Disciplinary Action Noted.

STUDIO uA3 \$100. APPROVED – 04/08/09

A-10,703 – Name Change from: John Kucera

**Also Received Renewal Application - If Name Change
is Approved, Renew in New Name.**

**WALSH ARCHITECT APPROVED WITH WAIVER OF LATE FEE –
04/08/09**

**A-10,045 – Requesting Waiver of Renewal Late FEE
due to address mix up.
Also wrong name was completed on application.**

LIMITED LIABILITY COMPANIES

**KINLIN RUTHERFURD ARCHITECTS, PLLC \$100. APPROVED –
04/08/09**

CORPORATIONS

**ACCESS DEVELOPMENT CORP. - 0 - 02/11/09 – CANNOT APPROVE
– BD SUGGESTS**

**A-14,136 – Requesting Waiver of \$100 Renewal Fee- THE SOLUTION
THAT CHRISTINA DELVECCHIO**

**Question on 2/3rds... RESIGN AS AN OFFICER EFFECTIVE 12/31/08
Asking for help in processing renewal. AND REAPPLY WITH ONLY
JOSEPH DELVECCHIO**

**03/11/09 – RESIGNATION OF CHRISTINA DELVECCHIO RECEIVED –
CAN RENEWAL BE PROCESSED?**

04/08/09 – APPROVED.

04/08/09

Page 7 of 8

C. O. A. APPLICATIONS

Board Meeting of APRIL 8, 2009

CORPORATIONS (Cont'd)

**BARTON PARTNERS ARCHITECTS & \$100. APPROVED – 04/18/09
PLANNERS**

DILULLO, INC. \$100. APPROVED – 04/18/09

**ERDMAN ARCHITECTURE &
ENGINEERING COMPANY \$50. APPROVED – 04/08/09
A-14,293 – Name Change from: MEA1, Inc.**

HDR ARCHITECTURE, INC. APPROVED – 04/08/09

MARGULIES PERRUZZI ARCHITECTS \$175. APPROVED – 04/08/09

A-14,100 – Name Change from: Margulies & Associates, Inc.

**Also Received Renewal Application - If Name Change
is Approved, Renew in New Name.**

**MCKINNELL MCKINNELL & TAYLOR \$100. 02/11/09 – APPL BEING
HELD FOR CLARIFICATION**

**Answered “Yes” to “Solicited Architectural Work OF WHAT
AUTHORITY THE CORP PRACTICED**

**Prior to having been licensed.” ARCHITECTURE ON A FEDERAL
BASIS WITHOUT**

BEING REGISTERD TO DO SO.

**03/11/09 – SEND LTR INVITING THEM TO APPEAR
AT NEXT MEETING 04/08/09 AT 2:00 P.M. IN LIGHT
OF PRACTICE AT THE US POSTAL SERVICE IN RI**

03/20/09 – RESPONSE REC'D

04/08/09 – CONTINUED

**NEVILLE ARCHITECTURE AND \$175. APPROVED – 04/08/09
ENVIRONMENTAL CONSULTING, LTD.**

A-14,417 – Name Change from: Neville Architecture

**Also Received Renewal Application - If Name Change
is Approved, Renew in New Name.**

JAMES G. ROGERS ARCHITECTS, PC \$100. APPROVED – 04/08/09

WITHDRAWAL

**THE BUILDING STUDIO LLP ARCHITECTS \$100. APPROVED –
04/08/09**

Applying As A Sole Proprietorship under John Field

04/08/09

